

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

INSTRUCTIONS FOR FILING A CIVIL COMPLAINT (NON-PRISONER)

The filing fee to file a new civil case is \$400.00. If you cannot afford to pay the filing fee, you may ask the Court to permit you to proceed without prepayment of costs. To do this, you must complete and sign the attached Application to Proceed without Prepayment of Fees and Affidavit, and submit it with your original complaint.

○ The name of this Court must be written at the top of the first page of your complaint. (Sample format attached).

○ Pursuant to our Local Rules, your name, address and telephone number must appear in the caption. A Post Office Box is insufficient as an address, unless you file a separate motion asking the Court to permit such an address.

○ All defendants must be named in the caption. The use of et al. is not permitted as the rules require you to name each defendant. Please provide the address of each named defendant.

○ The word COMPLAINT must appear under the caption. Clearly set out your grievance in the body of the complaint, name those against whom you have a grievance, and what you would like the Court to do to correct the situation.

○ Your complaint must be legibly handwritten or typed on white, letter-size (8 1/2 x 11 inch) paper. Write only on the front of each page. Your complaint must be double-spaced. If you are requesting a jury trial, the jury demand must be stated in your complaint.

○ You must originally sign your complaint in ink.

○ You must file the originally signed complaint, as well as the originally signed Application to Proceed without Prepayment of Fees, if applicable. DO NOT SEND BOTH THE FILING FEE AND THE APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES, only one or the other.

○ Preparation of the summons will be the responsibility of the Clerk's Office, upon direction of the Judge.

○ Please allow approximately 4-6 weeks for approval of the Application to Proceed without Prepayment of Fees. Written notice will be mailed.

○ Please mail your complaint and all other appropriate documents to: U.S. District Court Clerk's Office, 333 Constitution Avenue, NW, Room 1225, Washington, DC 20001.

ANGELA D. CAESAR, CLERK

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

DO NOT WRITE ON SAMPLE FORM

YOUR NAME
YOUR ADDRESS
CITY, STATE & ZIP CODE
YOUR TELEPHONE NO.

VS.

CIVIL ACTION NO. (To be filled in by Clerk)

DEFENDANT(S) NAME(S)
THEIR ADDRESS
CITY, STATE & ZIP CODE

COMPLAINT

DO NOT WRITE ON SAMPLE FORM

SET FORTH THE FACTS OF YOUR CASE.

ON THE LAST PAGE OF YOUR COMPLAINT, SPELL OUT THE RELIEF YOU ARE
REQUESTING FROM THIS COURT.

IF YOU ARE ASKING FOR A TRIAL BY JURY, YOU MUST STATE THIS IN YOUR
COMPLAINT.

IF YOU ARE REQUESTING A SPECIFIC AMOUNT OF MONEY, STATE THIS IN YOUR
COMPLAINT.

ORIGINAL SIGNATURE (IN PEN)

YOUR NAME
YOUR ADDRESS
CITY, STATE & ZIP CODE

All questions (1-8) within the enclosed In Forma Pauperis (IFP) Application must be fully answered.

DO NOT LEAVE ANY QUESTION UNANSWERED.

Questions or sections of the IFP application without an answer will result in the return of your application, along with your complaint, for completion.

This will delay the filing of your complaint.

Please sign and date your IFP application and complaint.

Return both documents for filing.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
333 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20001



UNITED STATES DISTRICT COURT
for the
District of Columbia

Civil Action No.

Plaintiff/Petitioner

v.

Defendant/Respondent

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per _____
(specify pay period)

3. *Other income.* In the past 12 months, I have received income from the following sources (check all that apply):

<input type="checkbox"/> Yes	(a) Business, profession, or other self-employment
<input type="checkbox"/> Yes	(b) Rent payments, interest, or dividends
<input type="checkbox"/> Yes	(c) Pension, annuity, or life insurance payments
<input type="checkbox"/> Yes	(d) Disability, or worker's compensation payments
<input type="checkbox"/> Yes	(e) Gifts, or inheritances
<input type="checkbox"/> No	(f) Any other sources
<input type="checkbox"/> No	
<input type="checkbox"/> No	
<input type="checkbox"/> No	
<input type="checkbox"/> No	
<input type="checkbox"/> No	

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____
5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value): _____

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense): _____

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support: _____

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable): _____

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name

UNITED STATES DISTRICT AND BANKRUPTCY
COURTS FOR THE DISTRICT OF COLUMBIA

IMPORTANT INFORMATION.....PLEASE READ CAREFULLY

WARNING TO PRO SE LITIGANTS

All documents that you file with the court will be available to the public on the Internet through PACER (Public Access to Court Electronic Records) and the court's electronic case filing system.

YOU ARE RESPONSIBLE FOR PROTECTING YOUR IDENTITY FROM POSSIBLE THEFT. YOU MUST REMOVE CERTAIN PERSONAL IDENTIFYING INFORMATION FROM ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING. IT IS NOT THE COURT'S RESPONSIBILITY TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM YOUR DOCUMENTS BEFORE THEY ARE ELECTRONICALLY DOCKETED.

Under the Privacy Policy of the Judicial Conference of the United States, a litigant, whether represented by counsel or appearing pro se, must not put the litigant's (or any other person's) personal identifying information in documents submitted for filing to any United States court. This rule applies to ALL documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other documents submitted by any party for filing. If the litigant finds it necessary to submit a document containing personal identifying information, the litigant must "black out" or "xxxx" (redact) the personal identifying information prior to submitting the document to the Office of the Clerk for filing.

1. Types of personal information that MUST be removed or redacted from documents before filing:
 - (a) Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number shall be used.
 - (b) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
 - (c) Dates of Birth. If an individual's date of birth must be included in a pleading, only the year shall be used.
 - (d) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.
 - (e) Juror Information. If a document containing identifying information about a juror or a potential juror must be filed (e.g., verdict form or indictment), all personal information identifying a juror must be redacted.
2. Other sensitive personal information of the litigant (or any other person) that should be considered for possible removal or redaction.

Any personal identifying number, including a driver's license number, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and/or sensitive security information described in 49 U.S.C. § 114(s).

UNITED STATES DISTRICT COURT

for the
District of Columbia



Civil Action No.

Plaintiff
v.
Defendant

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys
Signatures of parties or attorneys
Dates

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Reference Order

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA**

*ANGELA D. CAESAR
Clerk of Court*

**NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE**

The substantial criminal caseload in this Court and the requirements of the criminal Speedy Trial Act frequently result in the delay in the trial of civil cases. Aware of the hardship and expense to the parties, counsel, and witnesses caused by the delays which are beyond the control of the Court, this notice is to advise you of your right to trial of your case by a United States Magistrate Judge. By statute, 28 USC §636(c), Fed.R.Civ.P. 73 and Local Civil Rule 73.1, the parties, by consent, can try their case by means of a jury trial or bench trial before a United States Magistrate Judge. Appeals from judgments and final orders are taken directly to the United States Court of Appeals for the District of Columbia Circuit, in the same manner as an appeal from a judgment of a United States District Judge in a civil case.

WHAT IS THE PROCEDURE?

One of the matters you are required to discuss at the meet-and-confer conference mandated by Local Civil Rule 16.3 is whether the case should be assigned to a United States Magistrate Judge for all purposes, including trial

All parties must consent before the case is assigned to a Magistrate Judge for trial. You may consent at any time prior to trial. If you expressly decline to consent or simply fail to consent early in the case, you are not foreclosed from consenting later in the case. However, a prompt election to proceed before a Magistrate Judge is encouraged because it will facilitate a more orderly scheduling of the case.

Counsel for the plaintiff has been furnished a copy of the "Consent to Proceed Before a United States Magistrate Judge for all Purposes" form. If and when the form is executed, your response should be made to the Clerk of the United States District Court only.

WHAT IS THE ADVANTAGE?

The case will be resolved sooner and less expensively. The earlier the parties consent to assigning the case to a Magistrate Judge the earlier a firm and certain trial date can be established, even if the case is to be tried to a jury.

Upon the filing of the consent form the case will be randomly assigned for all purposes to a Magistrate Judge.

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United States District Court For The District Of Columbia
FOIA Office
Room 1225
333 Constitution Avenue N.W.
Washington, DC 20001

November 4, 2019

Dear United States District Court For The District Of Columbia,

Background

Court reporters are required to record virtually all court proceedings.

However, reporters are only required to create a transcript for some of those proceedings. Some are required by law, some must be paid by the United States, and some must or may be paid for by a party. If created, all such transcripts are part of the public record maintained by the Clerk.

Reporters can only charge for the act of transcribing — not for the original recordings, nor for transcriptions that have been made.

28 U.S.C. § 753 makes an explicit distinction in which transcripts a court reporter may charge for, and which not. This request pertains to those records for which additional charge is NOT authorized by § 753.

Legal basis for this request

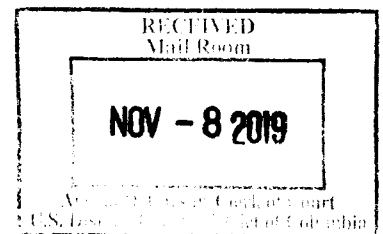
I recognize that the judiciary is not covered by the Freedom of Information Act.

This request is made pursuant to:

- a) the First Amendment and common law rights of access to judicial records;
- b) 28 U.S.C. § 753; and
- c) the Judiciary's internal policies which provide for access to records in a way similar to the Freedom of Information Act.

Request

I hereby request all of the following records that are dated on or after January 1, 2010, as described in 28 U.S.C. § 753 (which is the source of all quotes here):



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1. certified "original shorthand notes or other original records so taken" of all proceedings, including original electronic sound recordings;

2. if there is no original "electronic sound recording":

a) the certified transcript of "such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases", and

b) the certified transcript of "other parts of the record of proceedings as may be required by rule or order of court";

3. certified transcripts in all:

a) "criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A)"

b) "habeas corpus proceedings" involving an IFP party;

c) "proceedings brought under [28 U.S.C. §] 2255" involving an IFP party, "if the trial judge or a circuit judge certifie[d] that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal"; and

d) "other proceedings" involving an IFP party, "if the trial judge or a circuit judge certifie[d] that the appeal is not frivolous (but presents a substantial question)";

4. certified transcripts which the Clerk has in its records, e.g. where a party has paid for their transcription and therefore the reporter "deliver[ed] to the clerk for the records of the court a certified copy of any transcript so made"; and

5. reporters' records required under § 753(d), including:

"a) the quantity of transcripts prepared;

b) the fees charged and the fees collected for transcripts;

c) any expenses incurred by the reporters in connection with transcripts;

d) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and

e) such other information as the Judicial Conference may require."

Argument

1. Recording is mandatory.

Section 753(b) mandates that "[e]ach session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method", including "(1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct..."

2. Original records, and transcripts of non-recorded hearings, are mandatory, public records for which no

fee may be charged.

It then requires that "[t]he reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years."

If there is no original "electronic sound recording", the reporter is also required to "transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases", as well as to "transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. "

These are explicitly protected from fees: "The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge."

So is the transcript delivered to the court, as § 753(f) provides that reporters "shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court".

3. The reporter may charge only for certain transcriptions.

Section 753(b) goes on to authorize fee payment for a subset of transcripts.

Namely, "[u]pon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request. The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made."

Section 753(f) provides for fees under limited circumstances. Namely, a "reporter may charge and collect fees for transcripts requested by the parties".

4. Some transcripts must be paid for by the United States, and cannot be charged to others.

Section 753(f) says that the United States shall pay "[f]ees for transcripts furnished in":

a) "criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A)"

Additionally, the United States shall pay for, and transcripts provided to, "persons allowed to sue, defend, or appeal in forma pauperis", in:

b) "habeas corpus proceedings";

c) "proceedings brought under [28 U.S.C. §] 2255", "if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or

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appeal"; and

d) "other proceedings", "if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)".

The reporter may *not* require payment for "transcripts that are to be paid for by the United States".

5. Reporters must file other records which are free to the public.

Section 753(d) states that "[t]he Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such rec-ords shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include rec-ords showing:

- (1) the quantity of transcripts prepared;
- (2) the fees charged and the fees collected for transcripts;
- (3) any expenses incurred by the reporters in connection with transcripts;
- (4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and
- (5) such other information as the Judicial Conference may require."

These are public records.

6. Reporters are Government employees, and therefore have no copyright to their work product

As § 753(a, c, & e) make clear, reporters are "subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties", "receive an annual salary", and "shall be considered a full-time employee". Their works are made as salaried Government employees, and thus have no copyright. 17 U.S.C. § 105.

There is, therefore, no authorization for a reporter to limit duplication or require fees; that requires copyright.

Form of production

a) I am partially blind and have other disabilities that interfere with handling paper records. I request that you make all responses by email, and provide records in their original, native electronic format if you have an electronic copy, and by a PDF scan if you only have the records in paper format.

b) For records available on any uscourts.gov website, or on PACER, instead of providing the record itself directly, please provide a spreadsheet in (CSV or Excel format) that identifies such records (e.g. by case ID, ECF #, and date) together with the direct URL of that record.

Direct URLs on PACER will have the form "[https://ecf\[coart\].uscourts.gov/doc1/\[document](https://ecf[coart].uscourts.gov/doc1/[document)

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ID]?caseid=[case ID]", where the two IDs are numbers. (URLs of the form "https://ecf.[court].uscourts.gov/cgi-bin/DktRpt.pl?[case ID]" are not direct, since they require paying for and searching the docket.)

Please do not just tell me to "search PACER". It's not possible to know all of the records listed above from a PACER search. PACER does not list anything close to the full set of recordings listed above, and there is no way to search it for such proceedings, and case by case search would entail substantial charges for dockets while still not giving the full set.

c) For all other records, i.e. where it is not on uscourts.gov or on PACER, please provide the record itself.

For small records (<10MB), please send them as attachments to the email address of listed below (i.e. just hit "reply").

For all other records, please upload the record at the URL listed below my signature. You may also send a DVD-R containing the electronic files to the addressed listed below.

Fees

My expectation is that the vast majority of records requested are NOT on PACER.

As noted above, I am specifically NOT requesting that you provide any records that are available on PACER — only links to them. Therefore, the PACER fee schedule does not apply.

To the extent that any fee may apply, please note that this request is:

- a) made on behalf of a 501(c)(3) non-profit (Fiat Fiendum, Inc.; status verifiable at <<https://apps.irs.gov/app/eos/>>);
- b) not possible for us to afford to pay substantial fees for, since we have only a tiny budget; and
- c) made for the purposes of a bona fide academic research that requires a vast set of judicial data, for which this is one component.

I therefore request a waiver of all such fees.

If the Court ordinarily would require a fee for the records requested but may waive that fee if we provide further information, I request an order from the Court saying so, giving the legal basis for the fee and information requirement, clearly stating what information is required, and attaching an example of a sufficient response.

Conclusion

This request is made on behalf of both myself, Sai (in personal capacity) and Fiat Fiendum, Inc. (in official capacity).

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Fiat Fiendum is a 501(c)(3) nonprofit organization whose purposes include promotion of transparency in laws and research on topics related to the judiciary.

Please note that "Sai" is my full legal name. I am agender. Please do not use any title on my name.

Sincerely,
Sai
President, Fiat Fiendum, Inc.

Filed via MuckRock.com
E-mail (Preferred): 82210-90537131@requests.muckrock.com

For mailed responses, please address (see note):
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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.